

MINUTES

ALCOHOL AND TOBACCO COMMISSION

AUGUST 4, 2009

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson and Commissioner Sturtz. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Marc Carmichael, Jim Purucker, Jeff McKean, Brady Herrmann, Brad Klopfenstein, Trevor Vance and John Barnett were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the July 21, 2009 meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the August 4, 2009 meeting, except for permit #PSIL08561 MillerCoors, LLC, by request of the Hearing Judge. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL79-25457 TRI STAR MARKETING, INC., D/B/A SUPER PANTRY #18 – Hearing Judge Dunsmore recommended the Commission uphold the Findings of Fact and Conclusions of Law submitted for their consideration in the above-referenced matter.

Vice Chairman Johnson moved to uphold the Hearing Judge's recommendation and overturn the Commission's original denial and approve the permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

SERVER TRAINING RULE – Executive Secretary Dunsmore stated the public comment period has been extended until August 11, 2009.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have

been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Three hundred fifteen (315) renewals approved, thirty-eight (38) new and/or transfer permits approved, eight (8) permits approved for catering, six (6) permits approved for first year escrow, six (6) permits approved for second year escrow, three (3) permits approved for third year escrow, three (3) permits approved for fourth year escrow, one (1) permit approved for fifth year escrow and one (1) permit approved for sixth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL72-26002 KROGER LIMITED PARTNERSHIP I – Vice Chairman Johnson noted this is a new type 116 application with the local board voting three (3) to zero (0) to disapprove.

Vice Chairman Johnson stated there were more than 300 signatures on petitions in opposition to the issuance of this permit.

Vice Chairman Johnson moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL49-25247, DL49-25151, DL49-25248, DL49-25026, DL49-25027, DL49-25028, DL49-25029 THORNTONS, INC. - Vice Chairman Johnson moved to dismiss all of the above applications because the required affidavits regarding zoning for Marion County have not been filed. These applications were filed in June of 2008 and have been pending for more than a year. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

INACTIVE FILES – Vice Chairman Johnson moved to make six (6) permits inactive. Four permits are not subject to auction and two permits are subject. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Approved this _____ day of _____, 2009.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER